

## **REMARKS**

### **In the claims**

Claims 1-27 are currently pending and stand rejected in the application. As discussed in greater detail below, Applicant has canceled claims 8, 15, 18 and 25. Claims 1-3, 9, 10, 16, 17, 23, 26 and 27 have been amended. No new matter has been added.

### **Claim rejections under 35 USC §112**

Claims 1-17 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Office Action stated that claims 1, 9, 16 and 26 “omit language which clearly defines essential elements and aspects of the invention which the applicant has attempted to claim.” Specifically, the Office Action stated that the language “membrane pump cassettes for use respectively with the plurality of pumps...under control of its respective pump” is vague and unclear. The term “the inlet tube attachment” in claim 2, the term “attachments” in claim 3, and the term “first pump chamber” in claim 9 were considered to have insufficient antecedent basis.

Claims 1, 9 and 16 have been amended to recite that each pump is configured to operate a membrane pump cassette, and that each membrane pump cassette is for coupling or use with one of the plurality of pumps. Claim 23 has been amended to recite that each membrane pump cassette comprises a first pump chamber comprising a membrane for pumping fluid under control of a pump to which the membrane pump cassette can be coupled. Claim 26 has been amended to recite that each membrane pump cassette is for coupling to a respective pump of a plurality of pumps. As such, amended claims 1, 9, 16, 23 and 26 are not indefinite, and Applicant respectfully requests reconsideration and withdrawal of their rejection under 35 U.S.C. §112, second paragraph.

Claim 2 has been amended to recite that the plurality of membrane pump cassettes are symmetrically connected to the distribution tubing with respect to the port at which the inlet tube

is connected to the multi-port coupling (the coupling now being introduced in amended claim 1). Claim 3 has been amended to recite that the points at which the plurality of membrane pump cassettes are connected to the distribution tubing are equally spaced apart along the distribution tubing. Claim 9 has been amended to replace the term "first pump chamber" with the term "working solution pump chamber," as suggested by the examiner. As such, amended claims 2, 3 and 9 are not indefinite, and Applicant respectfully requests reconsideration and withdrawal of their rejection under 35 U.S.C. § 112, second paragraph.

Claims 10, 16, 17, 23 and 26 are also amended to refer to branches or segments of the distribution tubing to clarify that the distribution tubing extends in at least two directions from the multi-port coupling. Support for these amendments can be found throughout the application as filed, including, for example, paragraphs 0062-0064; and as seen, for example, in FIG. 2.

**Allowable subject matter**

The Office Action stated that claim 8 would be allowable if rewritten in independent form including all of the limitations of its base claim, and that claims 15 and 25 would be allowable under similar conditions. Claim 16 would also be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, and included the language of claim 8.

Claim 1 has been amended to incorporate substantially the subject matter from claim 8 that Applicants believe would render claim 1 allowable, and claim 8 has been canceled. Similarly, claim 9 has been amended to incorporate substantially the subject matter from claim 15, claim 23 has been amended to incorporate substantially the subject matter from claim 25, and claims 15 and 25 have been accordingly canceled. Furthermore, claim 16 has been amended to recite a multi-port coupling to which the working solution inlet tube, a first and second branch of the distribution tubing, and the first inlet port of a middle one of the pump cassettes are coupled. Claim 26 has been amended to recite that the distribution tubing extends in two segments from a multi-port coupling with the inlet tube, and that an equal number of membrane pump cassettes is positioned along each segment of the distribution tubing. These claims now refer to a multi-port

coupling rather than a four-port coupling. Thus, independent claims 1, 9, 16, 23 and 26 as amended are now allowable, rendering their respective dependent claims allowable as well.

**Claim rejections under 35 USC §102**

The Office Action rejected claims 1-4, 6-7, 9-11, 13-14, 23-24, and 26-27 under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,214,231 issued to Cote et al ("Cote"). Applicants respectfully disagree. Claims 1, 9, 16, 23 and 26 as amended now include a multi-port coupling to which the inlet tube, distribution tubing and the first fluid inlet port of a middle one of the pump cassettes (claims 1, 9, 16 and 23) are coupled. Cote does not teach or suggest such an arrangement, and therefore cannot anticipate independent claims 1, 9, 16, 23, 26, and their associated dependent claims. Thus, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) of claims 1-4, 6-7, 9-11, 13-14, 23-24, and 26-27 is respectfully requested.

**Claim rejections under 35 USC §103**

The Office action rejected claims 5 and 12 under 35 USC §103(a) as being unpatentable over Cote in view of U.S. Patent No. 6,245,570 issued to Grim et al. ("Grim"). The Office Action stated that Cote teaches all the limitations of the claims except for a bar code label on each of the incubation bags. Applicants respectfully disagree. As noted above, Cote does not teach or suggest the multi-port coupling to which at least the inlet tube and distribution tubing are coupled. Nor does a combination of Cote with Grim cure this deficiency. Therefore, claims 5 and 12, which ultimately depend respectively from claims 1 and 9, cannot be obvious over Cote in view of Grim. Thus, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) of claims 5 and 12 is respectfully requested.

### **CONCLUSION**

For the foregoing reasons all of the claims of the present application are patentable over the art of record. It is believed that all of the claim rejections have been addressed and that the application is now in condition for allowance. Reconsideration of the claims and issuance of a notice of allowance are respectfully requested. If any matter arises for which a further interview may expedite issuance of a notice of allowance, the Examiner is requested to call the undersigned at the telephone number given below.

Applicants believe that a three-month extension of time is required, and request that the associated extension fee, the fee for a Request for Continued Examination, and any other fee required for timely consideration of this application be charged to Deposit Account No. 50-4383.

Date: May 12, 2009

Respectfully submitted,

/Marc J. Gorayeb/

Marc J. Gorayeb  
Registration No. 61428  
Attorney for Applicant

DEKA Research & Development Corp.  
340 Commercial Street  
Manchester, NH 03101-1129  
Tel: (603) 669-5139  
Fax: (603) 624-0573